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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/601,891	06/24/2003	Yasushi Ueki	D-1460	1283

7590 05/11/2004

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EXAMINER

ESTREMSKY, GARY WAYNE

ART UNIT	PAPER NUMBER
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3676

DATE MAILED: 05/11/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/601,891

Applicant(s)

UEKI, YASUSHI

CAB

Examiner

Gary Estremsky

Art Unit

3676

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 February 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-5 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-5 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 3/12/04
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

This Office Action is a replacement for previous non-Final, first Office Action due to typographical error that resulted in substantial confusion in presentation of the grounds of rejection. Accordingly, this Office Action is not made Final and since the error was pointed out within one month of the mailing date of the previous Action, a new period for reply has been set. See MPEP 710.06.

Priority

1. Receipt is acknowledged of papers submitted under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

Specification

The disclosure is objected to because of informalities. The written specification should be carefully reviewed to correct minor spelling and/or grammar problems throughout. See page 6; last line, page 12; line 12 ("hem"?), page 13; line 3, page 15; line 21, page 17; line 1. ∴
Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the first and second paragraphs of 35 U.S.C. 112:

The specification shall contain a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the

Art Unit: 3676

art to which it pertains, or with which it is most nearly connected, to make and use the same and shall set forth the best mode contemplated by the inventor of carrying out his invention.

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Claims 4 and 5 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

However, a straightforward interpretation of the claim language indicates that the subject matter that is claimed as the invention is not enabled by the original disclosure whereby rejection under 35 U.S.C. 112, first paragraph is indicated.

Fig's 1b, 2b appear to disclose a substantially different arrangement from that claimed, ie, 'latch claw projecting from the [case's] opening to engage the striker at the engagement position and generally entering inside the case in the release position'. Inasmuch as the claimed arrangement is not supported by disclosure consistent therewith, the claim is rejected under 35 USC, first paragraph. Otherwise, the claim is rejected under 35 USC 112, second paragraph, since the claim language does not allow one of ordinary skill in the art to reasonably determine the scope and meaning of the claim.

Claim Rejections - 35 USC § 102

4. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

5. Claims 1-4 and 6 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Pat. No. 5,292,158 to Kurosaki

Kurosaki '158 teaches Applicant's claim limitations including : a "case" - 14 as shown in Fig 3 for example, a "latch member" - 10, a "spring member" - 24, a "pin member having a general U-shape" - 12, a "generally heart-shaped cam grooves symmetrically provided on two sides of the latch member" - as shown (see fig 9, 15, and 26 for example) and described, where it is noted that embodiment of Fig 26 has the cam grooves on left/right (or upper/lower depending on perspective) opposite sides.

As regards claim 2, Kurosaki '158 discloses "elastic supporting piece" for each embodiment; see part 124 in Fig 9, part 213,228,230 in Fig 15, part 262 in Fig 26.

As regards claim 3, the reference explicitly discloses benefits from arrangement where pin ends do not contact/wear bottom surfaces of cam grooves.

As regards claim 4, Kurosaki '158 teaches "latch claw" - 36.

Allowable Subject Matter

6. Due to the nature of rejections of claim 5 made under first and second paragraphs of 35 USC 112, allowable subject matter cannot be indicated at this time. However, to expedite prosecution as much as possible, it is suggested that clarifying remarks and/or correcting amendments accompany rewriting of the claim in independent form (so as to include all limitations of the base claim (1) and intervening claim (4)).

Conclusion

7. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

U.S. Pat. No. 5,050,922 to Falcoff.

U.S. Pat. No. 5,217,262 to Kurosaki.

U.S. Pat. No. 5,401,067 to Kurosaki.

U.S. Pat. No. 5,845,954 to Depue.

Germany Pat. Document No. DE 42 01 006 A1 to Nifco.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gary Estremsky whose telephone number is 703 308-0494. The examiner can normally be reached on M-Thur 7:30-6.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tom Will can be reached on 703 308-3870. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Art Unit: 3676

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

A handwritten signature in black ink, appearing to read 'G. Estremsky', is positioned above the printed name.

Gary Estremsky
Primary Examiner
Art Unit 3676